

CITY OF SALINA, KANSAS
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
August 13, 2007
4:00 p.m.

The City Commission convened at 3:45 p.m. in a Study Session for a Citizens' Open Forum. The Regular Meeting of the Board of Commissioners was called to order at 4:00 p.m. in Room 107, City-County Building. A roll call was taken followed by the Pledge of Allegiance and a moment of silence.

There were present:

Mayor Alan E. Jilka, Chairman presiding
Commissioner Luci Larson
Commissioner Aaron Peck
Commissioner R. Abner Perney

comprising a quorum of the Board, also present:

Jason A. Gage, City Manager
Greg Bengtson, City Attorney
Lieu Ann Elsey, City Clerk

Absent: Commissioner John K. Vanier II

CITIZEN FORUM

Janie Stein, 1015 Scott Avenue, read a letter requesting the City Commission adopt a resolution impeaching the President and Vice-President of the United States.

AWARDS - PROCLAMATIONS

None.

PUBLIC HEARINGS AND ITEMS SCHEDULED FOR A CERTAIN TIME

(5.1) Public Hearing on the 2008 Budget.

(5.1a) Second reading Ordinance No. 07-10403 attesting to the possible increase in taxes levied for budget year 2008 necessary to finance public services.

(5.1b) Second reading Ordinance No. 07-10404 adopting the 2008 budget.

(5.1c) Resolution No. 07-6421 providing for the appropriation, by fund, of the budget for the City of Salina for the year beginning January 1, 2008.

(5.1d) Resolution No. 07-6422 establishing various fees for services in the City of Salina.

(5.1e) Resolution No. 07-6423 adopting the position classification and salary schedule for City employees.

(5.1f) Approve the 2008 Capital Improvement Plan.

Rod Franz, Director of Finance and Administration, summarized the publication requirement by state statute, mills to be levied, proposed budget, and proposed fees.

Mayor Jilka opened the public hearing.

Ernest Cole, 153 S. Front Street, expressed his opposition to the increase in the mill levy and the budget.

Shirley Cole, 153 S. Front Street, expressed her concerns on property taxes.

Sidney Shultz, 1218 E. Ellsworth, expressed his opposition of a tax increase and his concerns with government overspending.

There being no further comments, the public hearing was closed.

07-7682

Moved by Commissioner Perney, seconded by Commissioner Peck, to adopt Ordinance No. 07-10403 on second reading with a correction in Section 2 noting the budget year. A roll call vote was taken. Aye: (4) Larson, Peck, Perney, Jilka. Nay: (0). Motion carried.

A discussion followed between Commissioner Perney, Jason Gage, City Manager, and Mr. Franz regarding the current levy rate and the long term deficit.

Mr. Gage commented on providing quality services for the citizens.

Mr. Franz responded to Commissioner Larson's question regarding when the sales tax was approved, citizens were of the impression that property taxes would not increase. Mr. Franz clarified that the term "property tax stabilization" was used.

Mayor Jilka noted recent actions taken by the State of Kansas regarding the business equipment and machinery property tax and changes in franchise law that effected Community Access TV's funding. Mayor Jilka suggested the mill levy rate be set at 24.5.

Commissioner Perney commented on the sales tax used to stabilize the property tax and would support a mill rate of 24.0 or 24.5. Commissioner Perney also commented on the increase in fees.

Commissioner Larson explained that she had received a number of comments from citizens regarding the mill levy increase and most agreed with a gradual increase, so she would support an increase to no more than 25.

Commissioner Peck commented on the importance of the community needing to grow and move forward and would support an increase to 24.5 mills.

- 07-7683 Moved by Commissioner Perney, seconded by Commissioner Peck, adopt a mill levy for the 2008 budget in an amount not to exceed 24.5 mills. Aye: (4). Nay: (0). Motion carried.
- 07-7684 Moved by Commissioner Larson, seconded by Commissioner Perney, to adopt Ordinance No. 07-10404 on second reading. A roll call vote was taken. Aye: (4) Larson, Peck, Perney, Jilka. Nay: (0) Motion carried.
- 07-7685 Moved by Commissioner Perney, seconded by Commissioner Larson, to adopt Resolution No. 07-6421. Aye: (4). Nay: (0). Motion carried.
- 07-7686 Moved by Commissioner Perney, seconded by Commissioner Peck, to adopt Resolution No. 07-6422. Aye: (4). Nay: (0). Motion carried.
- 07-7687 Moved by Commissioner Perney, seconded by Commissioner Larson, to adopt Resolution No. 07-6423. Aye: (4). Nay: (0). Motion carried.

Commissioner Perney suggested that the improvement to South Ninth Street be reduced to the design stage and apply for state and federal aid to help to pay for the cost of the improvements when the time comes. He would like to see those funds be used to help pay for the design and construction of a new swimming pool.

A discussion followed between Mayor Jilka and Mr. Gage, regarding state and federal aid available, whether or not the pool improvements would be required to be submitted to the voters, and the amount of time it would take to design and construction a new pool. Mayor Jilka questioned if action on the C.I.P. could be postponed until the Commission received a report back from the Kenwood Park study group.

Commissioner Perney commented on the phasing of the South Ninth Street improvements, and the funding the city received for the improvements done to the Crawford Street bridge.

Mr. Gage commented on the expenses of transitioning improvements from a rural to urban design.

Mr. Gage noted that staff would not proceed with the final design stage South Ninth Street Improvements until a study session is brought back to the Commission.

- 07-7688 Moved by Commissioner Larson, seconded by Commissioner Peck, to adopt the 2008 Capital Improvement Plan. Aye: (4). Nay: (0). Motion carried.

CONSENT AGENDA

(6.1) Approve the minutes of August 6, 2007.

(6.2) Resolution No. 07-6425 authorizing the Mayor to execute a grant application to the National Endowment for the Arts on behalf of the Salina Arts and Humanities Commission.

Commissioner Larson noted that the name of the citizen that spoke regarding Item 6.3 was Mary Ann Adams.

07-7689 Moved by Commissioner Peck, seconded by Commissioner Perney, to approve the consent agenda as corrected. Aye: (4). Nay: (0). Motion carried.

DEVELOPMENT BUSINESS

None.

ADMINISTRATION

(8.1) Second reading Ordinance No. 07-10401 amending Article VI, District Regulations, Division 18, 19 and 20 relating to permitted and conditional uses and development limitations in the I-1 (Industrial Park), I-2 (Light Industrial) and I-3 (Heavy Industrial) districts.

Mayor Jilka noted that Ordinance No. 07-10401 was passed on first reading on August 6, 2007 and since that time no comments have been received.

07-7690 Moved by Commissioner Perney, seconded by Commissioner Peck, to adopt Ordinance No. 07-10401 on second reading. A roll call vote was taken. Aye: (4) Larson, Peck, Perney, Jilka. Nay: (0). Motion carried.

(8.2) First reading Ordinance No. 07-10405 levying special assessments against certain lots and pieces of property to pay the cost of abatement of nuisances.

Rod Franz, Director of Finance and Administration, explained the abatement procedures.

Mr. Franz and City Attorney Greg Bengtson responded to Commissioner Larson's question regarding collection of payments and levying the assessments.

07-7691 Moved by Commissioner Perney, seconded by Commissioner Larson, to adopt Ordinance No. 07-10405 on first reading. Aye: (4). Nay: (0). Motion carried.

(8.3) Resolution No. 07-6424 authorizing an ambulance transfer agreement with Salina Regional Health Center.

Fire Chief Larry Mullikin explained the cost of the service and the agreement. Chief Mullikin then responded to Commissioner Larson's question regarding the rate charged for mileage, age of the ambulances in the department's fleet, and whether additional staff would be required.

Marvin VanBlaricon, EMS Division Chief, explained the current arrangement between the hospital and the Fire Department and the type of transports covered through this agreement.

A discussion followed between Commissioner Perney, Commissioner Peck, Commissioner Larson, Mayor Jilka, Chief VanBlaricon, and Chief Mullikin regarding if the hospital could use private businesses for this service, how the rate compared to the private business, the effect it would have on 9-1-1 calls, and the cost of the service.

Stan Fields, 407 Otto, Lifetouch EMS, expressed his concerns regarding the agreement, feeling that the agreement excluded private ambulance service providers and that his rates were being undercut. Mr. Fields responded to Commissioners Perney, Larson, and Peck's questions regarding the agreement, mileage they charge, and Lifetouch's charge per transfer. Mr. Fields noted that they currently charge \$9 per mile and would not specify the differences in the city's agreement compared to theirs, nor did he disclose the rate per transfer.

Chief VanBlaricon responded to Commissioner Larson's question on whether the patient has the opportunity to select a service provider.

A discussion followed between Mayor Jilka, Chief VanBlaricon, Commissioner Larson, and Mr. Fields on how the service was provided in the past.

Mayor Jilka commented that some citizens feel that the purpose of government is to provide a service that is not provided by the private sector and asked how Chief Mullikin and VanBlaricon felt about that. Chief Mullikin felt that it was important that these essential services continued to be provided.

Mr. Fields expressed that it was not uncommon for private and public sector to work together; however, this agreement provided a disadvantage to his company.

A discussion followed between Mr. Gage and Mr. Field regarding the rates.

Mr. Fields then responded to Commissioner Larson regarding how many people Lifetouch employs.

Charlie Grimwood, Salina Regional Health Center, commented on the agreement, need for the service, and the rate. Mr. Grimwood noted that this was a nonexclusive agreement and does not exclude the private sector.

Commissioner Peck questioned if rates were compared to surrounding communities.

A discussion followed between Commissioner Perney, Mr. Grimwood, and Chief VanBlaricon regarding the transfers and whether the agreement covers transfers to facilities outside of Salina.

Mr. Gage noted the availability clause within the agreement and recommended the Commission postpone the item for one week.

Stan Fields, 156 Seitz Drive, expressed his concerns with excluding private businesses and the rate. Mr. Fields suggested that the city obtain documentation from the hospital on the rate that the hospital is currently paying them.

Mr. Grimwood commented on the negotiated rate and that the agreement was nonexclusive.

Kim Brown, 649 Prescott, expressed his concerns with the rate and the city not recovering their costs on the service.

07-7692 Moved by Commissioner Perney, seconded by Commissioner Larson, to postpone Resolution No. 07-6424 for one week. Aye: (4). Nay: (0). Motion carried.

(8.4) First and second reading Ordinance No. 07-10406 adopting the 2007 Standard Traffic Ordinance.

Jennifer Wyatt, City Prosecutor, explained the new amendments to the standard traffic ordinance. Ms. Wyatt and City Manager Jason Gage then responded to Commissioner Perney's question regarding to changes pertaining to a television screen in a driver's view and use of all terrain vehicles.

07-7693 Moved by Commissioner Peck, seconded by Commissioner Larson, to pass Ordinance No. 07-10406 on first reading. Aye: (4). Nay: (0). Motion carried.

07-7694 Moved by Commissioner Perney, seconded by Commissioner Larson, to declare an emergency exists for second reading on the same day. Aye: (4). Nay: (0). Motion carried.

07-7695 Moved by Commissioner Perney, seconded by Commissioner Peck, to adopt Ordinance No. 07-10406 on second reading. A roll call vote was taken. Aye: (4) Larson, Peck, Perney, Jilka. Nay: (0). Motion carried.

(8.5) First and second reading Ordinance No. 07-10407 adding Section 23-2 to Chapter 23, Article I of the Salina City Code giving the Municipal Court the jurisdiction to hear DUI, domestic battery and theft cases that could be third or subsequent offenses.

Jennifer Wyatt, City Prosecutor, explained the proposed ordinance.

07-7696 Moved by Commissioner Peck, seconded by Commissioner Larson, to pass Ordinance No. 07-10407 on first reading. Aye: (4). Nay: (0). Motion carried.

07-7697 Moved by Commissioner Perney, seconded by Commissioner Peck, to declare an emergency exists for second reading on the same day. Aye: (4). Nay: (0). Motion carried.

07-7698 Moved by Commissioner Perney, seconded by Commissioner Peck, to adopt Ordinance No. 07-10407 on second reading. Aye: (4) Larson, Peck, Perney, Jilka. Nay: (0). Motion carried.

(8.6) First reading Ordinance No. 07-10408 adding Section 23-3 to Chapter 23, Article I of the Salina City code addressing authority for sentencing and probation issues.

Judge Brenda Stoss explained the proposed ordinance.

07-7699 Moved by Commissioner Peck, seconded by Commissioner Larson, to pass Ordinance No. 07-10408 on first reading. Aye: (4). Nay: (0). Motion carried.

(8.7) First reading Ordinance No. 07-10409 adding Section 25-101 to Chapter 25, Article VI of the Salina City code making it a violation of city ordinance to fail to pay for motor fuel.

Jennifer Wyatt, City Prosecutor, explained the proposed ordinance. Ms. Wyatt then responded to Commissioner Perney's question regarding how these cases are currently being handled. Ms. Wyatt clarified that the ordinance would allow the cases to be heard in municipal court versus in District Court.

Judge Brenda Stoss clarified the state statute that prompted the ordinance.

07-7700 Moved by Commissioner Larson, seconded by Mayor Jilka, to pass Ordinance No. 07-10409 on first reading. Aye: (4). Nay: (0). Motion carried.

(8.8) Approve contract with Union Pacific Railroad for the proposed 2007 Railroad Crossing Improvements, Project No. 07-2646.

Michael Fraser, Director of General Services, explained the project, financing of the project, agreement, and estimated costs.

07-7701 Moved by Commissioner Perney, seconded by Commissioner Peck, to authorize a contract with Union Pacific Railroad. Aye: (4). Nay: (0). Motion carried.

(8.9) Award contract for the 2007 Arterial Street Sidewalk Improvements, Project No. 07-1624.

Karlton Place, City Engineer, explained the project, bids received, and project funding. He also informed the Commission that there were additional concerns regarding snow removal and U.S.D. 305 has volunteered to remove the snow from the sidewalk on Wayne Avenue for as long as Ken Kennedy is with the district. Mr. Place then responded to Commissioner Perney's and Mayor Jilka's questions regarding the location of the sidewalks.

Mr. Place then responded to Commissioner Larson's question regarding snow removal.

A discussion followed between Commissioner Perney and Mr. Place regarding the number of pedestrians that would use the sidewalk and the survey conducted.

Delma Tomanek, 349 Maple, expressed concerns of the location of the sidewalk on Wayne Avenue and placement of the crosswalks.

Mary Ann Adams, 2088 Simmons, expressed concerns with the routing of students located west of Ninth Street and felt that the students will not use the sidewalk.

Merlin Stephens, 348 Maple, commented on the Hageman/Broadway project and the locations where pedestrians are crossing.

Mr. Place then responded to Commissioner Larson's regarding the neighborhood meetings that have been held.

Jason Gage, City Manager, noted that with a school that there would be traffic from all directions, sidewalk connectivity, and the impact of the pedestrian traffic from the north of South Middle School.

Mayor Jilka commented that he was not sure if there is a need for the sidewalk on Wayne Avenue and would support the rest of the project with the removal of the sidewalk for Wayne Avenue.

Mr. Place explained the pedestrian traffic from the west to South Middle School, survey conducted, and safe crossings.

Dean Andrew, Director of Planning and Community Development, noted that the students who live west of Ninth Street would also use the crossing at Otto and Ninth Street to get to Stewart School.

Mr. Place responded to Mayor Jilka's questions regarding the sidewalk located on the south end of South Middle School.

Commissioner Perney commented on landscaping on Wayne Avenue and would support not doing the sidewalk on Wayne Avenue.

Commissioner Larson questioned Mrs. Adams on the location of her home and if she was opposed to the placement of a sidewalk on her property. Mrs. Adams commented that at this point the sidewalk was not necessary and to wait and see what path the students from the west are taking.

Mayor Jilka suggested that the Wayne Avenue portion be removed from the project.

07-7702 Moved by Commissioner Perney, seconded by Commissioner Larson, to award the contract for the 2007 Arterial Street Sidewalk Improvements, Project No. 07-1624 with the deletion of the sidewalk on the north side of Wayne Avenue.

Commissioner Perney noted he was in favor doing the Simmons portion of the project and to study the need for the sidewalk on Wayne.

Mr. Gage commented on the importance of sidewalk connectivity, and that staff would continue to look at the pedestrian traffic from the northwest.

Commissioner Peck felt that the sidewalk on Wayne Avenue was important for future connectivity.

Commissioner Perney withdrew his motion. Commissioner Larson concurred.

07-7703 Moved Commissioner Perney, seconded by Commissioner Peck, to award the contract for the Arterial Street Sidewalk Improvements, Project No. 07-1624 to Davis Concrete Construction in the amount of \$63,717.75.

Mayor felt that the Wayne section was not necessary, but would approve the contract.

Mayor Jilka called the question. Aye: (4). Nay: (0). Motion carried.

OTHER BUSINESS

None.

ADJOURNMENT

07-7704 Moved by Commissioner Perney, seconded by Commissioner Peck, that the Regular Meeting of the Board of Commissioners be adjourned. Aye: (4). Nay: (0). Motion carried. The meeting adjourned at 6:57 p.m.

Alan E. Jilka, Mayor

[SEAL]
ATTEST:

Lieu Ann Elsey, CMC, City Clerk